

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

John Fields,	:	
	:	
Plaintiff	:	Civil Action 2:05-cv-951
	:	
v.	:	Judge Frost
	:	
Reginald Wilkinson,	:	Magistrate Judge Abel
	:	
Defendant	:	

ORDER

Plaintiff John Fields, an inmate at the Corrections Reception Center, Orient, Ohio, brought this prisoner civil rights action under 42 U.S.C. §1983. The complaint alleges that the Ohio Adult Parole Authority have violated a "Lucasville Witness Protection Agreement" by placing Fields in the custody in a facility maintained by the Ohio Department of Rehabilitation and Correction instead of in a facility maintained by another state. This matter is before the Court on Magistrate Judge Abel's October 19, 2005 Report and Recommendation on Initial Screening that the complaint be dismissed without prejudice because it fails to allege that plaintiff exhausted his Ohio prison administrative remedies as required by 42 U.S.C. § 1997e(a) before filing suit.

No objections have been filed to the Report and Recommendation. Upon *de novo* review as required by 28 U.S.C. § 636(b)(1)(B), the Court ADOPTS the Report and Recommendation. The Clerk of Court is DIRECTED to enter JUDGMENT dismissing this case without prejudice to re-filing after Fields demonstrates that he has exhausted his Ohio prison administrative remedies as required by 42 U.S.C. § 1997e(a).

The Court further notes that plaintiff sought injunctive relief prohibiting his incarceration

in an Ohio prison. Defendants' November 15, 2005 response to the Report and Recommendation states that Mr. Fields is being held in protective custody pending a parole revocation hearing. If his parole is revoked, he will be incarcerated in another state. Thus, plaintiff has not demonstrated a right to injunctive relief.

/s/ Gregory L. Frost
Gregory L. Frost
United States District Judge